

# House File 614 - Introduced

HOUSE FILE 614

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 152)

## A BILL FOR

- 1 An Act relating to sexual misconduct with offenders and
- 2 juveniles, and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 709.16, Code 2011, is amended to read as  
2 follows:

3 **709.16 Sexual misconduct with offenders and juveniles.**

4 1. An officer, employee, contractor, vendor, volunteer,  
5 or agent of the department of corrections, or an officer,  
6 employee, or agent of a judicial district department of  
7 correctional services, who engages in a sex act with an  
8 individual committed to the custody of the department of  
9 corrections or a judicial district department of correctional  
10 services commits ~~an aggravated misdemeanor~~ a class "D" felony.

11 2. An officer, employee, contractor, vendor, volunteer, or  
12 agent of a juvenile placement facility who engages in a sex act  
13 with a juvenile placed at such facility commits ~~an aggravated~~  
14 ~~misdemeanor~~ a class "D" felony.

15 For purposes of this subsection, a "*juvenile placement*  
16 *facility*" means any of the following:

17 a. A child foster care facility licensed under section  
18 237.4.

19 b. Institutions controlled by the department of human  
20 services listed in section 218.1.

21 c. Juvenile detention and juvenile shelter care homes  
22 approved under section 232.142.

23 d. Psychiatric medical institutions for children licensed  
24 under chapter 135H.

25 e. Substance abuse facilities as defined in section 125.2.

26 3. An officer, employee, contractor, vendor, volunteer,  
27 or agent of a county who engages in a sex act with a prisoner  
28 incarcerated in a county jail commits ~~an aggravated misdemeanor~~  
29 a class "D" felony.

30 EXPLANATION

31 This bill relates to sexual misconduct committed with  
32 offenders and juveniles.

33 The bill increases the criminal penalty for an officer,  
34 employee, contractor, vendor, volunteer, or agent of the  
35 department of corrections who engages in a sex act with

1 an inmate committed to the custody of the department of  
2 corrections from an aggravated misdemeanor to a class "D"  
3 felony.

4 The bill increases the criminal penalty for an officer,  
5 employee, or agent of a judicial district department of  
6 correctional services who engages in a sex act with a person  
7 in the custody of the judicial district from an aggravated  
8 misdemeanor to a class "D" felony.

9 The bill increases the criminal penalty for an officer,  
10 employee, contractor, vendor, volunteer, or agent of a juvenile  
11 placement facility who engages in a sex act with a juvenile  
12 placed at the facility from an aggravated misdemeanor to a  
13 class "D" felony.

14 The bill also increases the criminal penalty for an officer,  
15 employee, contractor, vendor, volunteer, or agent of a county  
16 who engages in a sex act with a prisoner incarcerated in a  
17 county jail from an aggravated misdemeanor to a class "D"  
18 felony.

19 A "sex act" is defined in Code section 702.17.

20 A person convicted of sexual misconduct is required by  
21 current law and the bill to register as a sex offender and is  
22 subject to a special sentence pursuant to Code section 903B.2.

23 An aggravated misdemeanor is punishable by confinement for  
24 no more than two years and a fine of at least \$625 but not more  
25 than \$6,250. A class "D" felony is punishable by confinement  
26 for no more than five years and a fine of at least \$750 but not  
27 more than \$7,500.